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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,557	08/31/2006	Robert Nientiedt	2003P19363WOUS	4806

22116 7590 01/07/2009  
SIEMENS CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
170 WOOD AVENUE SOUTH  
ISELIN, NJ 08830

EXAMINER
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CHUGHTAI, SARWAT

ART UNIT	PAPER NUMBER
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4133

MAIL DATE	DELIVERY MODE
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01/07/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/591,557	NIENTIEDT, ROBERT	
	<b>Examiner</b>	<b>Art Unit</b>	
	SARWAT CHUGHTAI	4133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☐ Claim(s) 14-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/31/06</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

1. This Office Action is in response to the Applicants' communication filed on DATE August 31, 2006. In virtue of this communication, claims 14-33 are currently presented in the instant application.

### ***Drawings***

2. The drawings submitted on DATE August 31, 2006. These drawings are reviewed and accepted by the examiner.

### ***Priority***

3. Receipt is acknowledged of paper submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

4. The information disclosure statement (IDS) submitted on August 31, 2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Drawings***

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: **FB3**. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14-33 are rejected under 35 U.S.C. 102(b) as being anticipated by KAMMOUN K et al. (translation of EP 1 304 896 A2)

**Regarding claim 14**, KAMMOUN K et al. teaches, A method for detecting a radio coverage in a multicellular mobile radio system (method to measuring a hop with a multi-cell radio system, Paragraph 0001 ) with a plurality of base stations (“at least two base stations”, Paragraph 0001) connected to an evaluation unit (“base station to measure and evaluate”, Paragraph 0002, whereas it is not said that there is a evolution unit but it is understood that evaluation feature is there), comprising: providing a plurality of base stations in a normal operating mode, the base stations communicatively connected to an evaluation unit (Paragraph 0001, 0081);

switching at least one of the plurality of base stations from the normal operating mode to a measuring operating mode (“the central control unit essentially steers the sending and receive mode of the single base station after a.....”, Paragraph 0018);

measuring a field strength by the base station in the measuring operating mode of each of the base stations locally adjacent to the measuring base station, the locally adjacent base stations in the normal operating mode (“the central control unit essentially steers the sending and receive mode of the single base station after a.....”, Paragraph 0018);

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synchronizing the base station in the measuring operating mode with the base stations operating in normal mode (“measuring the present topology become detected...”paragraph 0025);

measuring a quality of the synchronicity and sending each measured field strength and measured synchronicity quality to the evaluation unit (“field strength of the receptacle neighboring base stations first measure and evaluate....” Paragraph 0002);

switching the base station in the measuring operating mode to the normal operating mode (“measuring the present topology become detected...”paragraph 0025);

evaluating the strength and quality by the evaluation unit; wherein the switching to the measuring operating mode, the measuring the field strength (“measurement of the field strength”, Paragraph 0018) , the synchronizing, the measuring the quality, the sending (Paragraph 0027), and the switching to the normal operating mode is repeated such that each of the plurality of base stations is switched to the measuring operating mode(Paragraph 0018, Paragraph 0025-0030).

**Regarding claim 15**, KAMMOUN K et al. teaches, the radio coverage is detected is in cycles (“cycle exchange”, Paragraph 0006), and wherein a current evaluation result being compared with a previous evaluation result (“measure and stored”, Paragraph 0006).

**Regarding claim 16**, KAMMOUN K et al. teaches, the evaluation unit automatically controls the base stations and automatically evaluates the measured field strength data (Paragraph 0026. whereas the measuring and the information is in the control unit).

**Regarding claim 17**, KAMMOUN K et al. teaches, the mobile radio system by the evaluation unit based on a result of the evaluation (Paragraph 0027).

**Regarding claim 18**, KAMMOUN K et al. teaches, the evaluation unit a field string map for determining the position of a mobile unit (Paragraph 0007-0008).

**Regarding claim 19**, KAMMOUN K et al. teaches, the mobile radio system is designed in accordance with a Digital Enhanced Cordless Telecommunications standard (“with known multi-cell radio system, those for example after DECT, Bluetooth....”, Paragraph 0001).

**Regarding claim 20**, KAMMOUN K et al. teaches, the measured field strength includes a base station identifier (“the central control unit essentially steers the sending and receive mode of the single base station after a.....”, Paragraph 0018).

**Regarding claim 21**, KAMMOUN K et al. teaches, the measured field strength includes a base station identifier (“the central control unit essentially steers the sending and receive mode of the single base station after a.....”, Paragraph 0018).

**Regarding claim 22**, KAMMOUN K et al. teaches, modifying the mobile radio system by the evaluation unit based on a result of the evaluation (Paragraph 0027).

**Regarding claim 23**, KAMMOUN K et al. teaches, creating by the evaluation unit a field string map for determining the position of a mobile unit (“handover” or “roaming” , “mobile terminal must the field strength of the receptive neighboring base station first measure and evaluate.....”, Paragraph 0002).

**Regarding claim 24**, KAMMOUN K et al. teaches, An arrangement for detecting a radio coverage in a multicellular mobile radio system (method to measuring a hop with a multi-cell radio system, Paragraph 0001 ), comprising: an evaluation unit (“base station to measure and evaluate”, Paragraph 0002, whereas it is not said that there is a evolution unit but it is understood that evaluation feature is there); and  
a plurality of base stations (“at least two base stations”, Paragraph



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0001) communicatively connected to the evaluation unit (“control unit”, Paragraph 0001; whereas it is assumed control unit will have step or part where testing and measuring takes place), the plurality of base stations including: a measuring base station operating in a measuring operating mode, and a locally adjacent base station relative to adjacent to the measuring base station, the locally adjacent base station operating in a normal operating mode, wherein the measuring base station measures a field strength of locally adjacent base station and the measuring base station is synchronized with the locally adjacent base station (Paragraph 0018), and wherein the evaluation unit receives the measured field strength and a measured quality of the synchronicity and evaluates the measure field strength (Paragraph 0018, Paragraph 0025-0030).

**Regarding claim 25**, KAMMOUN K et al. teaches, the measured field strength includes an identification of the measured base station (“the central control unit essentially steers the sending and receive mode of the single base station after a.....”, Paragraph 0018).

**Regarding claim 26**, KAMMOUN K et al. teaches, the evaluation unit modifies the mobile radio system based on a result of the evaluation (Paragraph 0035).

**Regarding claim 27**, KAMMOUN K et al. teaches, the evaluation unit creates a field strength map for determining the position of a mobile unit (“handover” or “roaming” , “mobile terminal must the field strength of the receptive neighboring base station first measure and evaluate.....”, Paragraph 0002).

**Regarding claim 28**, KAMMOUN K et al. teaches, the mobile radio system is designed in accordance with a Digital Enhanced Cordless Telecommunications standard (“with known multi-cell radio system, those for example after DECT, Bluetooth....”, Paragraph 0001).

**Regarding claim 29**, KAMMOUN K et al. teaches, the radio coverage is detected is in cycles(“cycle exchange”, Paragraph 0006), and wherein a current evaluation result being compared with a previous evaluation result (“measure and stored”, Paragraph 0006).

**Regarding claim 30**, KAMMOUN K et al. teaches, the measured field strength includes an identification of the measured base station (“the central control unit essentially steers the sending and receive mode of the single base station after a.....”, Paragraph 0018).

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**Regarding claim 31**, KAMMOUN K et al. teaches, the evaluation unit modifies the mobile radio system based on a result of the evaluation (Paragraph 0027).

**Regarding claim 32**, KAMMOUN K et al. teaches, the evaluation unit creates a field strength map for determining the position of a mobile unit (“handover” or “roaming” , “mobile terminal must the field strength of the receptive neighboring base station first measure and evaluate.....”, Paragraph 0002).

**Regarding claim 33**, KAMMOUN K et al. teaches, the mobile radio system is designed in accordance with a Digital Enhanced Cordless Telecommunications standard (“with known multi-cell radio system, those for example after DECT, Bluetooth....”, Paragraph 0001).

### ***Conclusion***

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Examiner Sarwat Chughtai, whose telephone number is 571-270-7272. The examiner can normally be reached on Monday to Thursday 8:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Abul Azad can be reached on 571-272-4100.

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The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application maybe obtained from the Patent Application Information Retrieval (PAIR) System. Status information for published application may be obtained from either Private PAIR or Pubic PAIR. Status information for unpublished application is available application through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SARWAT CHUGHTAI/

Examiner, Art Unit 4133

/ABUL AZAD/

Supervisory Patent Examiner, Art Unit 4133